



Docket No. 50325-0553 (Seq. No. 4494)

PATENT

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11-13-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Alan CONLEY, et al.	:	Confirmation No.: 6237
Serial No.: 09/886,851	:	Group Art Unit: 2171
Filed: June 20, 2001	:	Examiner: Etienne LEROUX

Title: AUTOMATICALLY GENERATING REPLICATION TOPOLOGY
INFORMATION FOR USE BY A DIRECTORY SERVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2100

DECLARATION UNDER 37 C.F.R. 1.131

We, ALAN B. CONLEY and ROBERT C. ALLEN, pursuant to 37 C.F.R. § 1.131,
declare:

1. We are the inventors named in the above-referenced application.
2. We understand that the Office Action mailed August 5, 2003 rejects the pending claims of this application by relying in part on U.S. Patent Application Publication No. 2002/0065941 A1 (KAAN et al., hereinafter "KAAN"), published on May 30, 2002.
3. We make this declaration for the purpose of establishing that a functioning version of a computer program that embodies an invention disclosed and claimed in the above-referenced application (hereinafter "the subject invention") was created in the United States at a date prior to January 5, 2001, which is the filing date of KAAAN, and prior to October 2, 2000, which is the date of provisional patent application 60/237,211 to which KAAAN claims priority.
4. We conceived of and created a functioning version of the subject invention prior to October 2, 2000.

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5. We, Alan B. Conley, then serving as MEMBER OF TECHNICAL STAFF, and Robert C. Allen, then serving as IT ENGINEER, were on the team that developed the “repl-gen” program, which is an enterprise management tool which, generally, parses router configuration files and determines the proper replication topology to inject into a directory service environment. As established by the attached documentary exhibits, “repl-gen” was a functioning version of a computer program that embodies the subject invention.

6. Attached, as Exhibit 1, is a true and correct redacted copy of the contents of an electronic mail from Robert Allen, which includes output from a functioning version of “repl-gen”, which embodies the inventive features described and claimed in the application. The date of this document is redacted, but the true date is long prior to October 2, 2000. The test that produced the output was executed under typical working conditions and shows utility beyond probability of failure. We found that the minor errors that were present in the output were readily overcome without significant effort or experimentation. This e-mail document is maintained on a server operated by Cisco Systems, Inc., an affiliated corporation of Cisco Technology, Inc., the assignee of the present application; and is hereby submitted as probative of a reduction to practice of the subject invention prior to October 2, 2000.

7. Attached, as Exhibit 2, is a true and correct redacted copy of the contents of an electronic mail from Alan Conley, which describes functionality for managing Active Directory replication topology, which embodies the subject invention described and claimed in the application. This document includes descriptions of processing router configuration files and pre-processing information, and an extensive textual description of an algorithm that is embodied in the “repl-gen” program. This document was created substantially concurrently with the version of the “repl-gen” program that produced the output illustrated in Exhibit 1. The date of this document is redacted, but is long prior to October 2, 2000. This e-mail document is maintained on a server operated by Cisco Systems, Inc., an affiliated corporation of Cisco Technology, Inc., the assignee of the present application; and is hereby submitted as probative of a reduction of practice of the subject invention prior to October 2, 2000.

8. All of the acts set forth herein occurred or were performed by us in the United States.

9. At all times alleged herein, we carried out all of the acts set forth herein in secret and internal to our employer, Cisco Systems, Inc. To the best of our knowledge, any substantive disclosures to any parties external to our employer were protected from disclosure by non-disclosure agreements.

10. All documents and acts set forth herein in this Declaration relate to internal software development. None of the acts set forth herein involve public use, sale, offer for sale, publication, or other unprotected disclosure of the subject invention.

Each person signing below hereby declares that all statements made herein of her/his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed at SAN JOSE, CA on the date set forth below.
(city) (state)

Alan B. Conley
Alan B. Conley

Dated: 10/28/03

Executed at Raleigh, NC on the date set forth below.
(city) (state)

Robert C. Allen
Robert C. Allen

Dated: 10-29-2003